IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3551 OF 2005

Yayatya Gongashya Shinde ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Rahul S. Kate for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 20,2005.

P.C.:

1. Heard Shri Kate for the Applicant and the learned A.P.P. for State.

2. An offence has been registered against the Applicant and others vide C.R.No. 91 of 2004 under Sections 395, 365, 342, 420, 323, 504 and 506 of Indian Penal Code. It is not in dispute that the Applicant was absconding and was arrested on 16th December 2004. The offence is allegedly committed in May 2004.

3. Shri Kate submitted that even in the F.I.R. hardly any role is ascribed to the Applicant. He submitted that in view of the the allegations made in the F.I.R., a case is made out for grant of bail.

4. The learned A.P.P. opposed the application by pointing out that as the Applicant was absconding, his case was

separated and the trial of the other accused is completed. He pointed out that by Judgment and Order dated 3rd February 2005 the learned Ad hoc Additional Sessions Judge convicted some of the accused. He pointed out that on 28th June 2004 an offence has been registered against the Applicant at Phaltan Police Station alleging commission of offence punishable under Section 395 of the I.P.C.

5. I have considered the submissions. The fact remains that the Applicant was absconding. The allegation against the Applicant is that while he was absconding, one more offence under Section 395 has been registered against the Applicant. Moreover, some of the other accused persons have already been convicted by the learned Ad hoc Additional Sessions Judge.

6. Considering the gravity of the offence and considering the aforesaid conduct of the Applicant it is not possible to take a view which is different from the view taken by the learned Additional Sessions Judge while rejecting the Application.

7. Hence, Application is rejected.

JUDGE